

## **ELECTRONIC CONTROL WEAPONS:**

### **PURPOSE:**

The purpose of this policy to provide officers with guidance and direction on the use of electronic control weapons.

### **POLICY**

It is the policy of the Wareham Police Department to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals. Electronic control weapons may be used by authorized and trained personnel in accordance with this use of force policy and additional guidelines established herein.

### **DEFINITIONS:**

Electronic Control Weapon (ECW): A less lethal weapon designed to disrupt a subject's central nervous system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and override an individual's voluntary motor responses.

Afids: Confetti-like pieces of paper that are expelled from the cartridge when fired. Each "aphid" contains an alpha- numeric identifier unique to the specific cartridge used.

Air Cartridge: A replaceable cartridge for the ECW which uses compressed nitrogen to fire two barbed probes/darts on thin connecting wires sending a high voltage/low current signal into a subject.

Vulnerable Group: Pregnant women, children under the age of 17, adults over the age of 70, visibly frail persons, persons with cardiac pacemakers, and those suffering from mental illness.

### **PROCEDURES:**

#### **Authorized Users**

M.G.L. c. 140, § 131J authorizes officers to carry ECWs, subject to those requirements set forth in 501 CMR 8.04. Only officers authorized by the chief and who have satisfactorily completed a department approved training course of not less than 8-hours may be authorized to carry ECWs. All personnel authorized to carry these weapons shall complete in-service proficiency training every two years by a certified weapons/tactics instructor. **(1.3.11)**

### **TYPES OF REPORTABLE ECW APPLICATIONS:**

- ❑ Drive Stun- Contact is made by pressing the front of the ECW (cartridge removed) into the body of a subject and activating the ECW. The Drive Stun causes

significant localized pain in the area touched by the ECW but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody.

- ❑ Probe- The ECW is most effective when the cartridge is fired and probes make direct contact with the subject. Proper application will result in temporary immobilization of a subject and provide the officer a “window of opportunity” in which to take the subject into custody. Optimum range for deployment is 7-15 feet with 25/35 -foot maximum distance (depending on Model used).

### **WEAPON READINESS:**

- ❑ The device will be carried by authorized officers in an approved holster on the support side of the body. Those authorized to use the devices and not assigned to patrol duties may utilize other department-approved holsters, and carry the weapon consistent with department training.
- ❑ The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
- ❑ Officers approved to use the device shall be issued a minimum of one spare cartridge as a back up in case of cartridge failure, the need for reapplication, or in case the first cartridge's leads break during engagement. The spare cartridges shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
- ❑ Only agency approved battery power sources recommended by the manufacturer shall be used in the ECW.
- ❑ Unless otherwise authorized by the chief, only departmental issued ECWs and cartridges are to be carried or used on duty.
- ❑ An officer shall not draw or display his/her ECW in a public place except when it is to be officially and properly used in accordance with this policy, for department authorized training, or for inspection by a supervisor.
- ❑ Any damage to or malfunction of an ECW will be reported immediately to a patrol Sergeant (or officer of higher rank). The ECW shall be immediately removed from service and the ECW Control Manager shall be notified.

### **DEPLOYMENT AND AFTERCARE:**

**Deployment** - There are two levels of force where ECWs are authorized:

- ❑ Compliance Techniques- includes countermeasures designed to counter the subject's enhance degree of resistance. These tactics could include control and restraint techniques, takedowns, pressure points and distraction techniques, OC spray, etc. Using the Taser in a DRIVE STUN mode would be justified as a Compliant Technique.
- ❑ Defensive Tactics- Includes countermeasures designed to counter the subject's perceived non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include weapon/weaponless strikes, etc. When firing the Taser probes, it would be considered a Defensive Tactics tool with the goal of stopping an Assaultive (Bodily Harm) Subject.
- ❑ The ECW may be used in circumstances where a person displays the intent to cause serious bodily injury to him/herself. However, when determining whether to use OC spray or an ECW, the totality of the circumstances should be considered together with the following factors specific to these two weapons:
- ❑ The likelihood of physical injury resulting from an ECW is similar to OC spray with the exception of accidental probe contact to a vital area or a secondary injury to the subject from falling.
- ❑ OC spray creates more discomfort to subjects than ECWs but is less incapacitating.
- ❑ Persons exposed to ECWs recover rapidly as compared to far longer recovery periods for OC spray and the potential for cross contamination resulting from the spray.
- ❑ An ECW is more likely than OC spray to incapacitate persons under the influence of alcohol, controlled substances, or those suffering from mental instability

#### **THE ECW IS PROHIBITED FROM BEING USED:**

- ❑ In a punitive or coercive manner.
- ❑ Against a person known to be within a Vulnerable Group,
- ❑ unless the officer's assessment at the time of deployment is that the person has or will cause serious bodily harm to him/herself and/or others and can be subdued by the ECW.
- ❑ Against suspects in control of a motor vehicle in motion unless exigent circumstances exist;

- ❑ On a handcuffed/secured prisoner, unless he/she is actively resisting or exhibiting active aggression.
- ❑ Where the suspect is in a position to where a fall may cause a substantial injury or death.
- ❑ In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane).

#### **FIRING PROBES/PREPARATION/CONSIDERATIONS:**

- ❑ In preparation of firing probes, the ECW shall be pointed in a safe direction, taken off safe, then aimed. Center mass of the subject's back is the primary aiming point and lower center of mass of the chest or legs are the secondary targets.
- ❑ Officers will, when feasible, provide a warning to the subject before using an ECW. The warning should be an explicit statement such as, "Stop, get on the ground, or you will be 'Tasered'."
- ❑ Officers should announce to cover officers that an ECW weapon is being deployed. A verbal notification such as, "Taser – Taser – Taser," should be used.
- ❑ The Laser dot should be used as the primary aiming device and the fixed sights as the secondary aiming device.
- ❑ Attempt to avoid hitting the subject in sensitive tissue areas such as groin, eye, female breast, face, or neck.
- ❑ Upon firing the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. The subject may be secured as soon as practical while disabled by ECW power to minimize the number of deployment cycles.
- ❑ Only one officer should activate an ECW against a person at a time.

**The device may also be used in certain circumstances in a "drive stun" mode. This involves removing the cartridge and pressing the unit against an appropriate area of the body based on training. It is important to note that when the device is used in this manner it is:**

- ❑ Primarily a pain compliance tool due to a lack of probe spread.

- ❑ Minimally effective when compared to conventional cartridge deployments.
- ❑ More likely to leave marks on the subject's skin.

**When an officer uses an ECW, he/she shall use the ECW only until the threat is neutralized. When the behavior that justified the use of the ECW ends, the officer must stop the use of the ECW.**

- ❑ The ECW shall be pointed at the ground in a safe direction with the safety on during loading (except tactical loading), unloading, or when handled in other than an operational deployment
- ❑ The ECW may be used to control an aggressive animal that is threatening the safety of a person.

#### **AFTERCARE:**

- ❑ Normally, the ECW darts may be removed from the subject by the officer using the procedure outlined in training. Universal precautions shall be followed to protect the officer from the transfer of body fluids. The suspect shall be taken to an emergency care facility:
  - For removal of the dart in cases where it has penetrated sensitive tissue areas (such as the groin, eye, female breast, face, or neck).
  - When a barbed probe has broken off and remains under the skin, or when the deploying officer or supervisor determines that it is otherwise necessary.
  - If the subject had a known pre-existing medical condition affecting the cardiovascular system, i.e., a pacemaker, cardiac surgery
- ❑ Authorized medical personnel will examine the exposed person for medical needs prior to being incarcerated.
- ❑ Photographs of the affected area should be taken after the dart is removed.
- ❑ When the device has been used operationally, the officer will collect the air cartridge, darts (break from wire leads), and AFIDS as evidence. 1.3.5

#### **REPORTING:**

The deploying officer shall notify his/her supervisor immediately (or as soon as practical) after using the ECW (except for department authorized training) or accidentally firing the ECW, and complete the

appropriate Arrest/Offense report and Use of Force Report Form.

Details will include:

- ❑ **Specific circumstances leading to the use of the ECW**
- ❑ **All officers involved in the incident**
- ❑ **Distance from which the ECW was used**
- ❑ **Serial numbers of all air cartridges expended**
- ❑ **EMS response, and the results of any medical evaluation.**

*All reports shall be submitted prior to the conclusion of the officer's current shift and reviewed by the supervisor.*

### **ECW CONTROL MANAGER:**

**The Chief shall assign an officer to perform the duties of ECW**

**Control Manager. The ECW Control Manager shall:**

- ❑ Receive, inspect, and approve ECWs prior to issuance. Ensure the maintenance and replacement of the department's ECWs.
- ❑ Establish and maintain systems to record each ECW approved for use, and the issuance of equipment.
- ❑ Return defective or damaged ECWs and air cartridges to the manufacturer/supplier.
- ❑ Obtain service and/or replacement for defective or damaged components from the manufacturer/supplier.
- ❑ Review reported uses of ECWs by department personnel, download information from ECWs, and establish a system for maintaining statistics on the performance of the ECWs. A trained ECW Instructor authorized by the ECW Control Manager, may also perform this function.
- ❑ File quarterly and such other reports as may be required by the Massachusetts Executive Office of Public Safety.
- ❑ Ensure ECW review and distribution, basic certification, proficiency, compliance with minimum qualifications, and biennial (every two years) re-certification training, as well as maintaining a record of the training.
- ❑ All other duties as may become necessary for the employment, maintenance, and enhancement of the department's ECW program.